

**73-3-1 Appropriation -- Manner of acquiring water rights.**

- (1) A person may acquire a right to the use of the unappropriated public waters in this state only as provided for in this title.
- (2) The appropriation of public waters in the state shall comply with the requirements of this title.
- (3) Except as provided in Subsection (7), a person obtaining, initiating the use of, or providing notice of intent to appropriate a water right shall comply with the requirements of this chapter.
- (4) An appropriation may be made only for a useful and beneficial purpose.
- (5)
  - (a) Between appropriators, the one first in time is first in rights.
  - (b) A use designated by an application to appropriate any of the unappropriated waters of the state that would materially interfere with a more beneficial use of the water shall be dealt with as provided in Section 73-3-8.
- (6) A person may not acquire a right to the use of water either appropriated or unappropriated by adverse use or adverse possession.
- (7) Notwithstanding Section 73-3-2, a person may directly capture and store precipitation as provided in Section 73-3-1.5.

Amended by Chapter 19, 2010 General Session